IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.1869 OF 2006
IN
FIRST APPEAL NO.849 OF 2006

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OFFICE NOTES, OFFICE MEMORANDUM OF CORAM, APPEARANCES, COURT'S ORDERS OR DIRECTIONS AND REGISTRAR'S ORDERS	COURT'S OR JUDGES ORDERS

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Shri P.M. Havnur for the Applicants.
Shri Hanif S. Solkar for the Respondent No.2.

CORAM : A. S. OKA, J.
DATE : JULY 21, 2006.

P.C.:

1. Heard the Advocates appearing for the parties. It appears that on the basis of the permission granted by the first Respondent, the second Respondent has completed the construction of the wall. It appears that substantial portion of the wall was completed before the filing of the suit. The remaining part of the construction has been completed after dismissal of the suit by Trial Court. Admittedly, there was no order restraining second Respondent and first Respondent from completing the construction of the wall. No case is made out for grant of drastic order of the demolition of the wall. The Application is

rejected. However, it is made clear that the action of the first and second Respondent of completing the construction of the wall will be subject to final outcome of the First Appeal.

JUDGE